

VZCZCXR08327  
PP RUEHCI  
DE RUEHKT #0298/01 1030925  
ZNR UUUUU ZZH  
P 130925Z APR 09  
FM AMEMBASSY KATHMANDU  
TO RUEHC/SECSTATE WASHDC PRIORITY 0031  
INFO RUEHBJ/AMEMBASSY BEIJING 6900  
RUEHLM/AMEMBASSY COLOMBO 7218  
RUEHKA/AMEMBASSY DHAKA 2540  
RUEHIL/AMEMBASSY ISLAMABAD 5262  
RUEHLO/AMEMBASSY LONDON 6412  
RUEHNE/AMEMBASSY NEW DELHI 2966  
RUEHCI/AMCONSUL KOLKATA 4554  
RHMFIUU/CDR USPACOM HONOLULU HI  
RUEAIIA/CIA WASHDC  
RHEFDIA/DIA WASHDC  
RHEHNSC/NSC WASHDC  
RUEKJCS/SECDEF WASHDC  
RUCNDT/USMISSION USUN NEW YORK 3473

UNCLAS SECTION 01 OF 03 KATHMANDU 000298

SENSITIVE  
SIPDIS

E.O. 12958: N/A

TAGS: PGOV PTER KDEM NP

SUBJECT: NEPAL: MAOISTS WIN THREE OUT OF SIX SEATS IN BY-ELECTIONS

Summary

-----

**¶11.** (SBU) The Unified Communist Party of Nepal - Maoist (UCPN-M or Maoists) emerged as the winners of the Constituent Assembly by-elections on April 10, winning seats in three out of six constituencies. The Communist Party of Nepal - United Marxist Leninist (UML), Nepali Congress (NC), and Madhesi People's Rights Forum (MPRF) each won a constituency; however, the NC lost two constituencies it had won in the April 2008 election -- one to the Maoists and one to the UML -- while the MPRF lost one constituency it won in 2008 to the NC. Observers from the Carter Center, National Democratic Institute (NDI), UN Office of the High Commissioner for Human Rights (OHCHR), and the Canadian Embassy noted that technical glitches, violence, and disagreements among party workers marred voting and counting in some of the constituencies, but their overall assessment of the election was positive.

Results

-----

**¶12.** (SBU) On April 10, one year to the day of the 2008 Constituent Assembly (CA) elections, the Nepal Election Commission held by-elections to fill six vacant seats in the 601-member CA. In five cases, CA members won in two constituencies. In the sixth case, Ram Baran Yadav had to vacate his seat upon becoming President. The results of the CA by-elections are as follows:

Morang-5 - Jaya Ram Yadav, MPRF (keeping the seat previously won by Upendra Yadav)

Morang-7 - Shekhar Koirala, NC (winning the seat previously won by MPRF's Bijay Gachhadar)

Dhanusa-5 - Raghbir Mahashet, UML (winning the seat previously won by NC's Ram Baran Yadav)

Kaski-1 - Krishna Bahadur Gurung, UCPN-M (keeping the seat previously won by Dev Gurung)

Rolpa-2 - Santosh Budhamagar, UCPN-M (keeping the seat previously won by Prime Minister Dahal)

Kanchanpur-4 - Harish Thakulla, UCPN-M (winning the seat previously won by NC's Sher Bahadur Deuba)

Violence Among the Polls...

---

¶3. (SBU) Dhanusa, the most hotly contested constituency, experienced a series of violent incidents and voting irregularities prior to and during the by-election. On April 9, the Terai Rastriya Mukti Sena (Terai National Liberation Army), an armed group that had called a poorly-enforced three-day "bandh" (strike) in the district to disrupt the polls, allegedly abducted Santosh Shah, a candidate from the minor Communist Party of Nepal - Marxist Leninist. As of April 13, Shah's whereabouts were unknown; unconfirmed reports indicated that he was released to the police, while some watchers speculated that he orchestrated his own kidnapping to increase his votes. Mahashet, the winning UML candidate, reportedly instigated a clash between UML Youth Force cadres and the NC on the afternoon of April 10, temporarily delaying voting in one polling center. Mahashet accused the local administration of supporting the NC candidate (Dr. Chandra Mohan Yadav, the son of President Yadav) and announced to journalists the he "will either kill...or will die." A Carter Center observer in Dhanusha recounted at least three cases of booth capturing, primarily by the UML but in one case by the NC.

...But Districts Mostly Calm

---

¶4. (SBU) Observers from the Carter Center, NDI, OHCHR, and Canadian Embassy commented on the security at the polling

KATHMANDU 00000298 002 OF 003

centers, much improved from the original CA election. The country director of NDI noted that police had a strong, organized presence in every constituency -- upwards of 25 police at a polling center, compared to three or four during the 2008 election. Despite violent clashes in the days preceding the election between the Maoists and Matrika Yadav's splinter group, the security environment in the two Morang constituencies was surprisingly calm, according to the Local Development Officer and other post contacts. An observer from the domestic organization DEAN reported that a clash between the Youth Force and Maoist's Young Communist League in Rolpa was resolved early in the morning. No other major incidents occurred in Rolpa, although disagreements among the contending parties stalled vote counting throughout the day on April 11. Counting resumed after the parties reached an agreement that evening. Kaski and Kanchanpur remained calm, although the former suffered from technical difficulties with the voting machines and the latter saw particularly low voter turnout.

Technical Snafus

---

¶5. (SBU) Malfunctioning electronic voting machines interrupted polling in 11 centers in Kaski. Technicians repaired the machines in eight of the centers and replacement machines for the remaining centers were flown in from Kathmandu. Additionally, one machine lost 400 votes. Despite delays of up to four hours and the narrow win of the Maoists over the NC (by three dozen votes), the parties have yet to dispute the Kaski results. In other constituencies, polling centers experienced minor glitches with the electronic voter machines, mostly revolving around faulty batteries. Some older voters appeared confused about how to use the machines, but overall, people seemed to trust the electronic machines more than the previous paper-and-stamp method of voting.  
(Note: In the April 2008 election, only one constituency in Kathmandu used electronic voter machines. Every constituency used the electronic machines for the by-elections. The Election Commission and U.S.-funded organizations initiated voter education programs in each of the constituencies. End note.)

## Identification Issues and Low Voter Turnout

---

16. (SBU) Polling stations strictly enforced the new requirement from the Election Commission that all voters must present citizenship cards as identification. Nepalese voters generally regarded the requirement as a positive development because it minimized the possibility of fraudulent votes. International observers said they saw little evidence that the requirement disenfranchised legitimate voters, although they did report some instances to the contrary. Police prevented people without citizenship cards from entering the polling areas. In a few cases, polling officials rejected people with certified photocopies or newer, smaller citizenship cards. Women in rural areas in particular faced difficulties, as they were more likely not to have a citizenship card or not have the name on the card match the surname on the voters list. An observer from the Carter Center noted that the turnout in Kanchanpur was as low as 30 percent and attributed this to a combination of identification issues, excessive heat, and general disinterest in the by-election.

### Comment

---

17. (SBU) These by-elections will not change the political equation. The overall assessment of domestic observers and the few international observers is that the election went relatively smoothly. Problems, where they arose, were localized, and with the possible exception of one constituency (Kaski) do not appear to have skewed the results. At first glance, the most interesting new addition to the CA is former Prime Minister Koirala's nephew and former peace negotiator, Shekhar Koirala. There is already

KATHMANDU 00000298 003 OF 003

talk of what role he would play on the national level.  
POWELL